

RESOLUTION OF INTENTION NO. 897

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
DECLARING ITS INTENTION TO VACATE A PORTION OF B STREET
(File No. ST 1103634)**

WHEREAS, the property owner of 500 B Street has submitted an application requesting that a portion of B street be vacated by the City of Richmond; and

WHEREAS, the City of Richmond desires to vacate a portion of B Street, more particularly described in Exhibit A attached hereto and incorporated herein and hereafter referred to as the "area to be vacated," consisting of a map of the area and legal description; and

WHEREAS, the City Engineer has reported to this Council that the area to be vacated is surplus and is not important to the transportation needs of the City; and

WHEREAS, the City is authorized to vacate all or part of a public street or public service easement within the City pursuant to the Public Street, Highways and Service Vacation Easements law (State of California Streets and Highways Code, Section 8300 et. seq.);

WHEREAS, Section 8340 (c) of the State of California Streets and Highways Code requires that unless public convenience and necessity require otherwise, the City must reserve and except from the vacation any easement and right necessary to maintain, operate, replace, remove and renew public utility facilities; and

WHEREAS, the East Bay Municipal Utility District (EBMUD) owns and operates a water main within or adjacent to the area to be vacated; and

WHEREAS, AT&T (formerly SBC) is known to have communication facilities within or adjacent to the area to be vacated; and

WHEREAS, PG&E owns and operates overhead utilities within or adjacent to the area to be vacated; and

WHEREAS, no other public utilities or public facilities are known to the City Engineer to exist within the area to be vacated; and

WHEREAS, at its March 1, 2007 meeting, the Planning Commission found that the proposed street vacation satisfied the required findings for a street vacation as set forth by the State of California Streets and Highways Code, and voted unanimously (7-0) to recommend approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City Council hereby declares its intention to vacate that portion of B Street described in Exhibit A, attached.
2. The City intends to reserve an easement for the installation, construction, and maintenance of existing public utilities over the area to be vacated for the benefit of agencies such as PG&E, EBMUD, and AT&T (formerly SBC).
3. The City Council will conduct a public hearing on the subject of the proposed vacation at a regularly scheduled public meeting of the City Council on May 15, 2007, beginning at 7:00 PM, at the City Council Chambers, 1401 Marina Way South, Richmond, CA.
4. The City Clerk is hereby ordered and directed to give notice of the public hearing on the proposed vacation by:
 - a. Publishing notice in the West County Times, for two successive weeks prior to the hearing; and
 - b. Posting notices of the proposed vacation conspicuously along the lines of the street and any public service easement to be vacated at least two weeks prior to the date set for the public hearing. The notices shall be posted no more than 300 feet apart, and at least three such notices shall be posted. The notices shall reference the adoption of this Resolution of Intention and shall state the date, time, and place of the vacation hearing.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond, California, at a regular meeting thereof held April 17, 2007, by the following vote:

AYES: Councilmembers Bates, Lopez, Marquez, Rogers, Sandhu, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: Councilmembers Butt, Thurmond, and Viramontes

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

APPROVED:

GAYLE McLAUGHLIN
Mayor

APPROVED AS TO FORM:

LOUISE RENNE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution of Intention No. 897, finally passed and adopted by the Council of the City of Richmond at a meeting held on April 17, 2007.